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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,015	08/21/2006	Miwa Koshijima	278542009000	6754

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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

EXAMINER	
MAPA, MICHAEL Y	

ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/590,015	KOSHIJIMA ET AL.	
	Examiner	Art Unit	
	Michael Mapa	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 June 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The applicant has amended the following:

Claims: 1 and 9 have been amended.

Claims: 2-7 have not been amended.

Claims: 8 and 10 have been cancelled.

Response to Arguments

2. Applicant's arguments with respect to claims 1-7 and 9 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 3, 5-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lelievre et al. (US Patent Publication 2003/0040272 herein after referenced as Lelievre) in view of Klovborg (US Patent Publication 2003/0125075 herein

after referenced as Klovborg) and further in view of Mori (US Patent Publication 2001/0037507 herein after referenced as Mori).

Regarding claim 1, Lelievre discloses "A mobile communication terminal comprising: a receiving unit operable to receive a broadcast" **(Paragraphs [0036] & [0025] of Lelievre).** Lelievre discloses "a position information acquisition unit operable to acquire position information of the mobile communication terminal" **(Fig. 2 & Paragraph [0038], wherein Lelievre discloses GPS module 112).** Lelievre discloses "a storage unit operable to store a plurality of pieces of broadcast station information that correspond to zones" **(Fig. 4 & Paragraph [0044], wherein Lelievre discloses local database having recorded information of broadcast stations).** Lelievre discloses "a determination unit operable to determine a zone to which the position information belongs" **(Fig. 7 & Paragraph [0053], wherein Lelievre discloses obtaining the present location of the radio and retrieving updated tuning information from the local database containing information on broadcast stations such as program content, schedule and field strength boundaries).** Lelievre discloses "a detection unit operable to detect a receiving intensity of the broadcast received by the receiving unit" **(Fig. 7 & Paragraph [0051], wherein Lelievre discloses determining whether the quality of the signal received from the selected radio station is adequate, therefore a detection unit).** Lelievre discloses "a control unit operable to (b) cause the position information acquisition unit, when a receiving intensity of the preset broadcast detected by the detection unit is less than a prescribed value, to newly acquire position information" **(Paragraph [0053] of Lelievre,**

wherein Lelievre discloses obtaining the present location from the location information resource when the quality of the signal is not acceptable, therefore a prescribed value). Lelievre discloses "(c) read a piece of the broadcast station information that corresponds to a zone determined by the determination unit based on the newly acquired position information" **(Paragraph [0053] of Lelievre).** Lelievre discloses "(d) cause the receiving unit to receive a broadcast identified by the piece of the broadcast station information" **(Paragraph [0053] of Lelievre).** Lelievre discloses "and (e) select a broadcast having a receiving intensity of no less than the prescribed value" **(Paragraph [0054] of Lelievre).** Lelievre discloses "and an output unit operable to output the selected broadcast" **(Paragraphs [0046] & [0043] of Lelievre).**

Lelievre fails to explicitly recite "A mobile communication terminal having an alarm function" and "a control unit operable to (a) cause the receiving unit to start receiving a preset broadcast at an alarm set time" and "an output unit operable to output the selected broadcast at the alarm set time."

In a related field of endeavor, Klovborg discloses "A mobile communication terminal having an alarm function; a control unit operable to (a) cause the receiving unit to start receiving a preset broadcast at an alarm set time; and an output unit operable to output the selected broadcast at the alarm set time" **(Paragraph [0026] of Klovborg).**

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Lelievre to incorporate the teachings of Klovborg for the purpose of making the invention more marketable and user friendly by providing additional and integrated functionalities **(Paragraph [0003] of Klovborg).**

Lelievre in view of Klovborg fails to explicitly recite "(a) cause the receiving unit to start receiving a preset broadcast at a time before an alarm set time by a predetermined time period that is necessary for selecting one of a plurality of broadcasts."

In a related field of endeavor, Mori discloses "(a) cause the receiving unit to start receiving a preset broadcast at a time before an alarm set time by a predetermined time period that is necessary for selecting one of a plurality of broadcasts" **(Abstract & Paragraphs [0010] & [0072] of Mori).**

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Lelievre in view of Klovborg to incorporate the teachings of Mori for the purpose of improving the system performance and making it more user friendly by providing an immediate response for an interactive operation immediately after a data broadcast program is started **(Paragraphs [0007] – [0008] of Mori).**

Regarding claim 3, Lelievre in view of Klovborg and further in view of Mori discloses "The mobile communication terminal of Claim 1, wherein the position information acquisition unit acquires the position information of the mobile communication terminal using a GPS" **(Fig. 2 & Paragraph [0038], wherein Lelievre discloses a GPS module).**

Regarding claim 5, Lelievre in view of Klovborg and further in view of Mori discloses "The mobile communication terminal of Claim 1, wherein the broadcast station information corresponds to one or more zones" **(Paragraph [0044] of Lelievre, wherein Lelievre discloses the database having a list of radio coverage zones).**

Regarding claim 6, Lelievre in view of Klovborg and further in view of Mori discloses "The mobile communication terminal of Claim 1, wherein the detection unit detects an electric field intensity of a receiving electric wave of the broadcast received by the receiving unit, and the prescribed value is a value of an electric field intensity indicates that the broadcast is clearly receivable" **(Fig. 7 & Paragraph [0051] of Lelievre, wherein Lelievre discloses a determination of whether the quality of the signal received is adequate to produce an acceptable output.).**

Regarding claim 7, Lelievre in view of Klovborg and further in view of Mori discloses "The mobile communication terminal of Claim 1, wherein the control unit, when the broadcast having the receiving intensity of no less than the prescribed value is not found, causes the output unit to output a built-in alarm sound" **(Paragraph [0043] of Lelievre, wherein Lelievre discloses an audio message may be played when no tuning information is found that satisfies the pre-designated format).**

Regarding claim 9, Lelievre discloses "An output method in a mobile communication terminal, comprising the steps of: receiving a preset broadcast" **(Paragraphs [0036] & [0025] of Lelievre).** Lelievre discloses "detecting an electric field intensity of a receiving electric wave of the received preset broadcast; judging whether the electric field intensity detected in the electric field intensity detecting step is no less than a prescribed value" **(Paragraph [0051] of Lelievre).** Lelievre discloses "acquiring, when the electric field intensity is judged to be less than the prescribed value in the electric field intensity judging step, position information of the mobile communication terminal" **(Paragraph [0053] of Lelievre, wherein Lelievre discloses**

the present location is obtained from the location information resource if the determination made is that the quality is not acceptable). Lelievre discloses "determining, based on the position information acquired in the position information acquiring step, a zone to which the position information belongs; reading, based on the zone determined in the zone determining step, a piece of broadcast station information that corresponds to the zone" **(Paragraph [0053] of Lelievre, wherein Lelievre discloses updated tuning is received from the local database, wherein the database includes information such as programming format, content, schedule and field strength boundaries of a plurality of broadcast stations).** Lelievre discloses "selecting, by sequentially receiving a broadcast included in the broadcast station information read in the broadcast station information reading step, a broadcast of a receiving electric wave having an electric field intensity judged to be no less than the prescribed value in the electric field intensity judging step" **(Paragraph [0053] – [0054] of Lelievre, wherein Lelievre discloses the database to have a list of broadcast stations that have nominal field strength greater than some predetermined threshold value of field strength and the process continues with the updated tuning information).** Lelievre discloses "and outputting the broadcast selected in the broadcast selecting step" **(Paragraphs [0046] & [0043] of Lelievre).**

Lelievre fails to explicitly recite "An alarm output method in a mobile communication terminal having an alarm function" and "and outputting the broadcast selected in the broadcast selecting step, at the alarm set time."

In a related field of endeavor, Klovborg discloses "An alarm output method in a mobile communication terminal having an alarm function; and outputting the broadcast selected in the broadcast selecting step, at the alarm set time" **(Paragraph [0026] of Klovborg).**

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Lelievre to incorporate the teachings of Klovborg for the purpose of making the invention more marketable and user friendly by providing additional and integrated functionalities **(Paragraph [0003] of Klovborg).**

Lelievre in view of Klovborg fails to explicitly recite "at a time before an alarm set time by a predetermined time period that is necessary for selecting one of a plurality of broadcasts."

In a related field of endeavor, Mori discloses "at a time before an alarm set time by a predetermined time period that is necessary for selecting one of a plurality of broadcasts" **(Abstract & Paragraphs [0010] & [0072] of Mori).**

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Lelievre in view of Klovborg to incorporate the teachings of Mori for the purpose of improving the system performance and making it more user friendly by providing an immediate response for an interactive operation immediately after a data broadcast program is started **(Paragraphs [0007] – [0008] of Mori).**

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lelievre et al. (US Patent Publication 2003/0040272 herein after referenced as Lelievre) in view

of Klovborg (US Patent Publication 2003/0125075 herein after referenced as Klovborg) in view of Mori (US Patent Publication 2001/0037507 herein after referenced as Mori) and further in view of Itoh et al (US Patent Publication 2004/0259495 herein after referenced as Itoh).

Regarding claim 2, Lelievre in view of Klovborg and further in view of Mori discloses "The mobile communication terminal of Claim 1."

Lelievre in view of Klovborg and further in view of Mori fails to disclose "wherein the control unit causes the receiving unit to receive the broadcast having a highest receiving intensity detected by the detection unit among the broadcasts identified by the piece of the broadcast station information."

In a related field of endeavor, Itoh discloses "wherein the control unit causes the receiving unit to receive the broadcast having a highest receiving intensity detected by the detection unit among the broadcasts identified by the piece of the broadcast station information" **(Paragraph [0004] of Itoh, wherein Itoh discloses the reception terminal unit is to access a base station that is the highest in signal reception level among a plurality of base stations.)**

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Lelievre in view of Klovborg and further in view of Mori to incorporate the method of selecting the highest signal reception level as taught by Itoh for the purpose of providing the user with the cleanest and clearest signal available.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lelievre et al. (US Patent Publication 2003/0040272 herein after referenced as Lelievre) in view of Klovborg (US Patent Publication 2003/0125075 herein after referenced as Klovborg) in view of Mori (US Patent Publication 2001/0037507 herein after referenced as Mori) and further in view of De Verteuil (US Patent Publication 2003/0148771 herein after referenced as De Verteuil).

Regarding claim 4, Lelievre in view of Klovborg and further in view of Mori discloses "The mobile communication terminal of Claim 1."

Lelievre in view of Klovborg and further in view of Mori fails to disclose "wherein the position information acquisition unit acquires position information of a base station by communicating with the base station, and defines the position information as the position information of the mobile communication terminal."

De Verteuil discloses "wherein the position information acquisition unit acquires position information of a base station by communicating with the base station, and defines the position information as the position information of the mobile communication terminal" **(Paragraph [0051] – [0053] of De Verteuil, wherein De Verteuil discloses using cell ID information for monitoring the location, wherein the cell ID information is converted into geographic coordinates and compared with a location of interest).**

Therefore it would have been obvious for one of ordinary skill in the art to modify the invention of Lelievre in view of Klovborg and further in view of Mori to incorporate the method of using cell ID information position determination technique as taught by De Verteuil for the purpose of enhancing efficiency by minimizing high resource position determination systems **(Paragraph [0051] of De Verteuil).**

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Mapa whose telephone number is (571)270-

5540. The examiner can normally be reached on MONDAY TO THURSDAY 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Mapa/
Examiner, Art Unit 2617

/NICK CORSARO/
Supervisory Patent Examiner, Art Unit 2617